

**“WE WANT A
TRIAL,
NOT A NEW
TRIAL,”
SAYS ATTY.
ARNOLD**

Attorney for Leo M.
Frank

Says Convicted Man
Hasn't

Had One Yet—
Hearing Will

JURY POLL NOT
COMPLETE

WHEN CROWDS
YELLED JOY

That Alone Invalidated
Trial,

Says Arnold—
Lampoons Dr.

Harris—Says Capital Punish- ment Is Near End

When the hearing of the motion for a new trial for Leo M. Frank, convicted of the Mary Phagan murder, was adjourned Saturday afternoon until Monday by Judge L. S. Roan, Attorney Reuben R. Arnold, of the Frank defense, was in the midst of a most remarkable speech.

He was demanding, he declared, not a new trial for Frank, but a trial, for he asserted the man has never been tried, but ordered murdered by a mob of howling wolves, who infested the court and caused their prejudice to be reflected in the verdict.

Mr. Arnold has been speaking since noon of Friday, when the court adjourned, and his argument is still far from complete. The Frank case has been replete with remarkable and sensational speeches, but probably never before has such a lengthy and forcible argument been made in this county before a trial judge considering a motion to give a convicted defendant another chance in the courts. The feature of the long address to Judge Roan has been Mr. Arnold's bitter and vitriolic denunciation of Solicitor General Hugh M. Dorsey, whom he charges with unfair and unjust methods in his prosecution of Frank. Mr. Arnold has paid his compliments to the city detectives in no uncertain terms, and his attack upon many of the state's witnesses has been bitter and vehement.

DENOUNCES DR. HARRIS.

Mr. Arnold's speech has been replete with sensational denunciations, not the least definite of which was his excoriation

of Dr. H. F. Harris, an eminent physician and one of the state's main witnesses, in which he launched late Saturday afternoon.

The attorney declared that Dr. Harris, while unable to do anything for a man while he is alive, can perform a post-mortem, and tell remarkable things.

"If he keeps on there is no telling where he is going, unless it is to the asylum," he said.

The passion and prejudice against the Jews as a race and the defendant as an individual of the race, which he charges circumvented the court during the trial, has played an important part in all of Mr. Arnold's speech. He has compared Frank's case with the ritual murder case now being heard in Kiev, Russia, and he declares that conditions in Georgia are little better than they are in the domain of the czar. Friday afternoon Mr. Arnold made the interesting prediction that capital punishment will soon be abolished. "Capital punishment," he said, "is the last fang of barbarism, clinging to an advancing civilization."

Mr. Arnold charges that the state's case against Frank is a plot and a frameup, based upon perjured evidence.

Saturday afternoon Mr. Arnold commented upon A. H. Henslee, the juror, who has been attacked as biased and prejudiced before he was sworn.

He asserted that Henslee went on the jury solely for the purpose of convicting Frank. The attorney made the point that the cheers are acknowledged by the state to have broken out when the verdict was announced and before the jury was polled. This fact is alone enough to invalidate the verdict, he asserted.

Besides Mr. Arnold, Attorney Luther Z. Rosser, of the defense: Solicitor General Hugh M. Dorsey and possibly his assistant, E. A. Stephens, will be heard before Judge Roan announces his decision. As a result, it is probable that the hearing will not be concluded before Wednesday of this week.

When court resumed at 2 o'clock Solicitor Dorsey brought with him, but did not present them, two affidavits which he said he had received during the morning. They were signed by J. Z. Turner and J. D. Collier, of Dawson, who swore that they would not believe R. L. Gremer, of Albany, on oath. Gremer is one of the men

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(Continued From Page 1.)

whose affidavits the defense had presented against Juror Henslee to back up their charge of bias and prejudice. Mr. Dorsey said the

affidavits were merely cumulative, and that they had arrived too late anyway, the time for presenting affidavits having been closed by agreement of both sides on Friday. He did not try to introduce them.

"MANGY, LEPROUS DALTON."

Continuing his argument, interrupted by the luncheon recess of the court, Attorney R. R. Arnold launched into a bitter excoriation of the states' witness, C. B. Dalton, whom he referred to as "that dirty, mangy, leprous creature fished up from the mire with the dregs to bolster the states' case." He called Jim Conley a jail bird and a moral leper, and characterized Dewey Hewell, the young girl who was brought by Solicitor Dorsey from a reformatory in Cincinnati to testify against Frank, as "a degenerate child."

"They brought all these together to convict a man against whose character before then there never had been uttered a word. Dalton, that man with a face like a mudcats, was used to bolster up Conley's story. Dalton is the kind of man who, as soon as you see him, you either want to run from or hit him over the head with an axe." He said that the defense introduced enough witnesses from Gwinnett County to prove Dalton to be a confirmed thief.

"Your honor, Frank was tried for every crime in the calendar rather than that for which he was indicted. The poor man was at the mercy of anybody who was evil-minded and conscienceless enough to swear against him. These witnesses just fell in with the state and with the immunity which the state gave them if they would swear whatever came into their head or whatever was suggested to them. When they swore in this case they became members of the big pack chasing the game."

AS TO CHARACTER WITNESSES.

Mr. Arnold said that the defense did not cross-examine the character witnesses put up against Frank, not because they dared

not do it—as the solicitor charged in his argument—but because those witnesses were willing to swear to anything.

“Every expression on their faces indicated this,” said he. “From whose hands did they come? From the same hands that gave Jim Conley to the court as a witness, the same hands that produced Minola McKnight and her husband, and Dalton--hands that could have loaded them, and would have loaded them, I suppose, with vile lies to tell on the witness stand.

“We are bound hand and foot. We saw that they were apt at arranging slanders. I surmise that the man who proved he could tell the vilest slander was put at the head of the state’s class.”

“In character testimony, in a case like this, all the witnesses have to testify to is what they have heard—hearsay evidence. They don’t have to tell what they know personally about the defendant. These witnesses could have been loaded with slanders against Frank, and they could have been convinced that they heard those slanders before the murder. Frank doubtless never saw two-thirds of those women who went on the stand and swore against him.”

“STATE ARRAYED PREJUDICE.”

Mr. Arnold digressed to charge that the state rang in all kinds of prejudice—that it arrayed employees against employers, poor against rich, Gentile against Jew. They held out a bid to the discontented to come in and testify, and a bid to the ignorant and a bid to the discharged employees.”

“Were we going into a trap of that kind? There we were, shut in between the jury, which could not understand the limitations placed upon us, and the witnesses whom the state dared us to cross-examine.”

“Your honor, you let down practically every bar when you allowed the solicitor to cross-examine those witnesses upon Frank’s general character as to lasciviousness. That, is a specific crime in itself.”

“These witnesses doubtless convinced the jury of the statements they made. And we were bound and gagged. It is true that we went into Frank’s character, but we did so only after Conley’s vile testimony. Then we were compelled to do so; and we overwhelmed them with good character witnesses, scores of them.”

Mr. Arnold cited trials at various times and in various countries, to show how civilization is advancing away from the old ideals of barbarism.

CAPITAL PUNISHMENT DOOMED.

“Capital punishment is the last fang of barbarism,” said he. “The time will come, and is not very far distant, when we will abolish capital punishment. Why, they used to hang a man for stealing.”

The state searched earth and air and water for its witnesses, said he—principally the earth, in the dirt and mire.

“There was Dr. Harris,” he continued, “who can look at you after you are dead and tell when you were born. Harris can’t do anything for you while you are alive, but after you are dead, he can perform a post-mortem and tell what ails you then.”

“In any other case than the Phagan case, the Harris testimony would have raised a horse laugh, even outside the ranks of the doctors. But the Phagan case was no ordinary case. It wasn’t viewed calmly.”

He ridiculed the cabbage tests about which Dr. Harris testified. He ridiculed Dr. Harris’ testimony in other cases in which he, Mr. Arnold, has taken part. “Lord knows: if he keeps on, there’s no telling where he will go unless it’s to the asylum.”

In an ordinary case, said he, there are clowns, there is comedy. “But this Phagan case was one in which four bloody spectators figured—Conley, Dalton, Dewey Hewell, Dr. Harris.”

He returned to his attack on Jim Conley's testimony. He said that Conley was impervious to attack, because he lied with such facility and admitted his lies so blandly. There is no way in the world to impeach a man like that, said Mr. Arnold.

"WE WANT A TRIAL."

"We are asking not so much for a new trial as for a trial," said he. "Frank hasn't had one yet."

Mr. Arnold again assailed Juror Henslee as prejudiced. In this connection he read a supreme court decision by former Justice S. R. Atkinson, granting a new trial in the Will Myers case in Fulton County, some twenty years ago because bias was proved against one of the jurors. That juror, he said, boasted that if he got on the jury, he would stay there 50 years in order to break the neck of the accused.

"Decency, fairness and justice demand that we be not made to suffer not because a man whose mind was poisoned against Frank got on the jury," said Mr. Arnold. "Henslee went on that jury for the purpose of convicting Frank."

"I am going to make now a point on which your honor would be compelled under the law to give us a new trial. The verdict of that jury was not a complete verdict until every juror had been polled and each had assented to it as his own. While that jury was

MAKING BRILLIANT FIGHT

REUBEN R. ARNOLD

Who is in the midst of an eloquent plea to Judge L. S. Roan for a new trial for the man convicted of Mary Phagan's murder.

Being polled, and before the poll was complete, and therefore before the verdict was complete the cries of the mob outside surged in through the windows, cries for the blood of this man Frank, cheers of joy that he had been convicted."

Mr. Arnold read a decision by the late Justice Bleckley, of the state supreme court on a case from Fayette County where eleven

jurors assented one after another to a verdict of guilt and the twelfth repudiated it. The unexpected development caused a reconsideration of the case by the jury, and resulted in a later verdict of not guilty.

Mr. Arnold asserted that proof of his statement that Henslee went on the jury purposely to convict Frank was contained in the affidavits from citizens of Atlanta, Albany, Monroe and Sparta and other places, to the effect that Henslee had in their presence before the trial expressed strong prejudice against Frank.

As to applause in court, he cited a supreme court decision that it is the duty of the solicitor as well as the Judge to keep down such demonstrations around the courthouse or in the court room. He charged that the solicitor not only did not do this, but even encouraged the demonstrations.

When court adjourned at 3:45 o'clock, until Monday, Mr. Arnold still was speaking. He said later that he had not nearly finished his argument.

Dorsey Would Aid In Second Prosecution

Should a new trial be granted Leo Frank it will never be conducted with his nemesis, Hugh Dorsey, even if the granting of a change of venue follows the granting of a new trial, it was learned Saturday.

While a new trial with a change of venue will mean that the case will be held in a different judicial circuit, with another judge and another solicitor, it is pointed out that Solicitor Dorsey can still be retained in the case. As a result, it is probable that

regardless of the outcome of the present battle for a new trial there is little doubt that Mr. Dorsey will participate in the prosecution.

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**BEAVERS LECTURES
IN**

**BIRMINGHAM
ON VICE**

Local Police Chief Likely
to Be

Heard by Biggest
Audience

In City's Annals

Chief of Police James L. Beavers is off to deliver a lecture.

Unlike Secretary Bryan, he doesn't plead an inadequate salary, and he is delivering his lecture gratis in the interest of a religious organization.

Atlanta's police chief has gone to Birmingham, where he has been extensively advertised as the "headliner" for a giant men's meeting at a Birmingham theater Sunday afternoon.

According to "advance notices," the coming to the coal city of Atlanta's famous crusader has been so widely heralded that the leaders of the religious organization which is backing the venture expects the mass meeting Sunday to be the largest in the history of the city.

Chief Beavers, of course, is going to tell the people of Birmingham about his vice crusade and its results in Atlanta.

Only a few weeks ago the authorities of Birmingham inaugurated a vice crusade along the line of the one conducted here by Beavers.

The police chief was accompanied to Birmingham by Marion M. Jackson, one of the leading spirits of the Men and Religion Forward movement, which has backed Chief Beavers in his fight against a restricted district.
